

103.50

66474, poomplm
100 N. Main St.
Munnville, Va 22960

ORDINANCE NO. 02014-27

AN ORDINANCE OF THE CITY OF WILDWOOD, FLORIDA PROPOSING AN AMENDMENT TO THE CITY CHARTER OF THE CITY OF WILDWOOD, FLORIDA BY AMENDING SECTION 3-2 OF THE CHARTER; ADDING SECTIONS 3-3, 3-4, 3-5, AND 3-6 AND RENUMBERING CURRENT SECTIONS 3-3 THROUGH 3-30 TO ACCOMMODATE THE NEW SECTIONS; AMENDING SECTIONS 5-1 AND 5-2; PROVIDING A BALLOT TITLE AND WORDING FOR THE SUBSTANCE OF THE PROPOSED AMENDMENTS; PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE CITY OF WILDWOOD FOR APPROVAL OR REJECTION OF THE CHARTER AMENDMENT PROPOSAL[S]; PROVIDING AN EFFECTIVE DATE.

Inst: 201460019258 Date: 6/20/2014 Time: 11:41 AM
DC: Gloria R. Hayward Sumter County Page 1 of 12 B: 2/97 P: 502

WHEREAS, the City Commission of the City of Wildwood desires to amend the City Charter to provide for the addition of a commission seat and to create district representatives; and

WHEREAS, a review of the City Charter has taken place; and

WHEREAS, in furtherance of this goal the City Commission directed the City Manager and staff to conduct a review of the City Charter; and

WHEREAS, in light of the City Commission's goals and requests, the City Manager and staff provided the suggested revisions and additions to the City Charter; and

WHEREAS, Section 166.031, Florida Statutes, provides for amendments to municipal charters; and

WHEREAS, Section 2-2(b) of the City Charter provides that the City Commission may, by ordinance, propose amendments to the Charter, with those proposed ordinances to be put to a vote of the electors of the City; and

WHEREAS, the City Commission believes that proposing these amendment to the Charter be voted upon by the public will be in the best interest of the City and its citizens;

NOW THEREFORE, be it enacted by the people of the city of Wildwood, Florida as follows:

Section 1. Pursuant to Section 2-2(b) of the City Charter of the City of Wildwood, Florida, the City Commission of the City of Wildwood, Florida hereby proposes by ordinance that the City Charter be amended as set forth in Section 2 hereof.

Section 2. There shall be placed upon the ballot of the November 4, 2014 City general election proposed amendments to the City Charter addressing the following topics:

- (a) Amending the City Charter to provide that the City Commission shall consist of a five commissioners, whose terms of office shall be for four years;
- (b) Amending the City Charter to eliminate the seat of the mayor-commissioner;
- (c) Amending the City Charter to change the composition of the city commission by providing that the five member city commission shall be comprised of five district representatives and empowering the city commission to establish the district boundaries as required by law;
- (d) Amending the City Charter to provide that any candidate seeking or holding office as a district representative must be a permanent resident of the particular district in which the elector represents or seeks to represent;
- (d) Amending the City Charter to provide that the city commission shall annually elect one of its members mayor at the second regularly scheduled meeting of November and providing for procedures in the case of a special election for prematurely departing commissioner and for the selection of a mayor where the commission becomes deadlocked;
- (e) Amending the City Charter to set forth the powers and duties of the mayor including the powers and duties of the mayor with respect to all city commission meetings, the execution of legal instruments, civil process, ceremonial powers, and emergency powers; and
- (f) Amending the City Charter to alter the time of holding office and terms of officers to facilitate timely transition to a new city commission.

Section 3. The ballot titles and ballot summary of the proposed amendments for the referendum are set forth on Exhibit "A", attached hereto and by reference made a part hereof. Subject to voter approval, the City Manager, after consultation with the City

Attorney, is authorized to make changes to the City Charter as set forth on Exhibit "B", attached hereto.

Section 4. The above mentioned proposed amendments to the Charter shall be placed to a vote of the electors of the City of Wildwood at the next general election to be held Tuesday, November 4, 2014. Such election shall be held in conformity with the laws and ordinances now in force relating to elections in the State of Florida and the City of Wildwood, Florida.

Section 5. Prior to the day of the election, but not more than ten (10) days prior to the election, notice of the referendum provided above in substantially the form attached hereto as Exhibit "C" and a sample ballot shall be published in a newspaper published and of general circulation in the City of Wildwood.

Section 6. The above mentioned proposed amendments to the City Charter shall take effect (if approved by a vote of the electors of the City of Wildwood) upon certification of the election.

Section 7. This ordinance shall become effective immediately upon passage and adoption.

Section 8. Any existing ordinance of the City of Wildwood, or portions thereof, in conflict with the terms of this ordinance are hereby repealed.

Section 9. If any section, sentence, clause, phrase or word of this Ordinance is for any reason held or declared unconstitutional, inoperative, or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the Commission's intent to pass this Ordinance without such unconstitutional, invalid, or inoperative part therein.

Inst:201460019258 Date:6/20/2014 Time:11:41 AM
DC,Gloria R. Hayward,Sumter County Page 3 of 12 B:2797 P:504

DONE AND ORDAINED this 9th day of June, 2014, by the City Commission of the City of Wildwood, Florida.



CITY COMMISSION
CITY OF WILDWOOD, FLORIDA

ATTEST: Cassandra Lippincott
Cassandra Lippincott, City Clerk

Ed Wolf
Ed Wolf, Mayor

First Reading: June 2, 2014

Second Reading: June 9, 2014

Approved as to form:
Ashley S. Hunt
Ashley S. Hunt, City Attorney

EXHIBIT "A"

Title:

**CITY OF WILDWOOD CHARTER AMENDMENT CITY COMMISSION COMPOSITION,
ELECTION, QUALIFICATIONS, POWERS, AND TERMS OF OFFICE**

Summary:

SHALL THE CITY CHARTER BE AMENDED TO CHANGE THE COMPOSITION OF THE CITY COMMISSION TO FIVE DISTRICT REPRESENTATIVES FROM DISTRICTS ESTABLISHED BY ORDINANCE; AND TO CHANGE SELECTION OF THE COMMISSION FROM AT LARGE ELECTION TO ELECTORAL DISTRICTS; AND TO CHANGE THE ELECTED SEAT OF THE MAYOR TO ONE ELECTED BY THE COMMISSION; AND SET FORTH THE POWERS, QUALIFICATIONS, AND TERMS OF OFFICE FOR THE COMMISSION AND MAYOR TO CONFORM THE CITY CHARTER TO THESE AMENDMENTS?

- (a) YES – for adoption of the amendment.
- (b) NO – against adoption of the amendment.

Inst:201460019258 Date:6/20/2014 Time:11:41 AM
____DC,Gloria R. Hayward,Sumter County Page 5 of 12 B:2797 P:506

EXHIBIT "B"

Section 3-2. - Composition of city commission.

A city commission is hereby created to consist of ~~a mayor commissioner whose term of office shall be for four years and four~~ **five** commissioners **of the City of Wildwood**, whose terms of office shall be for four years; all of whom shall be elected at large **by their respective districts** and qualified as prescribed in this charter; which terms of office shall begin on the second Monday in January and following their election.

Section 3-3. – Composition; districts

The five member city commission shall be comprised of five district representatives. The city commission shall, by ordinance, establish the district boundaries as required by law.

Section 3-4. – Residential Qualifications of Commission

Any candidate seeking or holding commission office as a district representative must be a permanent resident of the particular district which the candidate represents or seeks to represent. All other required qualifications are set forth in Section 5-2 of this Charter.

Section 3-5. –Mayor—Election

The city commission shall annually elect, at the second regularly scheduled meeting of November, one of its members mayor. No mayoral election shall be held by the commission following a special election held for the purpose of filling the unexpired term of a commissioner who did not finish out his or her full, normal term, unless the prematurely departing commissioner was also the mayor at the time of his or her departure. In case the members of the commission are unable to agree within five (5) days after the time fixed herein for their organizational meeting, upon the selection of the mayor, then the mayor shall be selected by lot conducted by the city clerk, who shall certify the result of such lot upon the journal of the commission.

Sec. 3-6. - Same—Powers and duties.

The mayor shall preside at all meetings of the commission and perform such other duties consistent with his office as may be imposed by it; and the mayor shall have a voice in and a vote in the proceedings of the commission, but no veto power. The mayor may use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so requires; but this shall not be considered as conferring upon the mayor the administrative or judicial functions of a mayor under the general laws of the State. The mayor shall be recognized as the official head of the city by the courts for the purposes of serving civil processes; by the government in the exercise of military law, and for all ceremonial purposes. The mayor may take command of the police and govern the city by proclamation during times of grave public danger or emergency. The powers and duties of the mayor shall be such as are conferred upon the mayor by the city commission in pursuance of the provisions of this act, and no others. The city commission shall provide by ordinance for the manner of governing the city during times of grave public danger or emergency in the absence of the mayor, and shall define by ordinance the terms "grave public danger" and "emergency."

Section 3-3.7. - Powers of the city commission generally.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY RENUMBERED.]

Section 3-4.8. - Powers of city vested in city commission, exceptions.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY RENUMBERED.]

Section 3-5.9. - Misconduct.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY RENUMBERED.]

Section 3-6.10. - Powers of impeachment.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-7.11. - Recall of city commission.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-8.12. - Vacancies on city commission.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-9.13. - Rules.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-10.14. - Disruptive, disorderly persons; contempt.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-11.15. - Designation of depositories.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-12.16. - Committees.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-13.17. - Regular meetings.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-14.18. - Manner of calling special meetings.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-15.19. - Manner of holding meetings.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-16.20. - Independent annual audit.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-17.21. - Interest of city commissioners in contracts of city.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-18.22. - Interference with appointment of employees or city officers.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-19.23. - Distinction between resolutions and ordinances.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-20.24. - Legislation imposing penalty to be by ordinance.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-21.25. - Subject of ordinances and resolutions.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-22.26. - Ordinance record book.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-23.27. - Codification of ordinances.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-24.28. - Publication of ordinances.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-25.29. - Form of resolution.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-26.30. - Record of resolutions.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-27.31. - Required vote for city commission action.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-28.32. - Form and adoption of ordinances, resolutions.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-29.33. - Emergency measures.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 3-30.34. - Certified copies of official documents admissible in evidence.

[EXISTING TEXT REMAINS UNCHANGED. THIS SECTION IS ONLY
RENUMBERED.]

Section 5-1. - Time of holding; terms of officers; special elections.

The city commission, composed of ~~one mayor-commissioner and four~~ **five** commissioners shall run in five groups **districts**. The mayor-commissioner seat shall be **re-designated as group district 1 city commissioner seat**. The city commissioner seats presently designated as group 2, group 3, group 4 and group 5 shall ~~continue to~~

be so re-designated as district 2, district 3, district 4, and district 5. Each candidate for a seat on the city commission shall indicate or have indicated at the time of his or her qualification the group for which he or she is a candidate. The regular election for the offices of the city commissioners shall be held on the first Tuesday after the first Monday in November of each state general election year. To provide for a transition to the election districts, the mayor commissioner and the city commissioners in groups 2 and 4 serving at the time of enactment of this ordinance shall remain in the seats for which they currently hold office and each office shall be preserved extended until 2014 2018. At that time the mayor-commissioner seat shall expire and be re-designated as district 1 city commissioner seat. An election shall be held for the offices of mayor commissioner and the city commissioners in groups districts 1, 2 and 4 in 2014 2018 for a 4 year term and every four years thereafter. The city commissioners in groups 3 and 5 shall also remain in the seats for which they currently hold office until 2016. An election shall be held for the offices of the city commissioners in groups districts 3 and 5 in 2012 2016 for a 4 year term and every four years thereafter. Officers elected shall qualify and take office on the second Monday in January. The present members of the city commission shall serve as commissioners under this act until their successors are duly qualified, elected, and installed in office. Special elections shall be held from time to time as may be authorized by ordinance or this Charter.

Section 5-2. - Qualifications of city commissioners.

To be eligible to hold the office of city commissioner ~~or mayor commissioner~~ of the city or to qualify for nomination of election as such, the candidate shall be a bona fide resident of the City of Wildwood, the State of Florida, and a citizen of the United States of America and shall be duly qualified to vote at each respective city, state and national election and shall be otherwise qualified as is provided in this Charter and shall hold no other public elective office. Candidates for nomination or election for the office of city commission ~~or mayor commissioner~~ shall comply with all the rules and regulations set out in this Charter as to their conduct. Any commissioner who shall cease to possess the qualifications required herein shall forthwith forfeit his or her office.

Inst:201460019258 Date:6/20/2014 Time:11:41 AM
____DC, Gloria R. Hayward, Sumter County Page 11 of 12 B:2797 P:512

EXHIBIT "C"

**NOTICE OF REFERENDUM IN THE CITY OF WILDWOOD, FLORIDA, ON
NOVEMBER 4, 2014**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM will be held on November 4, 2014, in the City of Wildwood, Florida for the purpose of determining whether the City Charter should be amended to: (a) change the number of city commissioners to five; (b) eliminate the seat of the mayor-commissioner; (c) change the composition of the city commission by providing that the five member city commission shall be comprised of five district representatives with the city commission establishing the district boundaries as required by law; (d) change the requirements of eligibility for commission office to require that each district representative be a permanent resident of the particular district which the candidate represents or seeks to represent; (e) change the city charter to provide for the process of election of mayor on an annual basis by the city commission; (f) change the city charter to set forth the powers and duties of the mayor; and, (g) change in charter regarding the time of holding and terms of office;. A sample ballot is published in full below as part of this notice.

All qualified electors residing within the area of the City of Wildwood, Florida shall be entitled, qualified and permitted to vote at such referendum.

CITY OF WILDWOOD, FLORIDA

By: _____

City Manager